

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

1

**Court Minutes**

**November 24, 2008**

At 9:30 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Blease, Associate Justice; Robie, Associate Justice; and Horner, bailiff.

**C057780      A. TEICHERT & SON, INC., et al. v. WORKERS' COMPENSATION APPEALS BOARD and BARRON**

Cause called. Timothy Page Nye argued for appellant. Arthur V. Azevedo argued for respondent. Cause submitted.

At 10:03 a.m., the court recessed. At 10:06 a.m., the court reconvened with Scotland, Presiding Justice; Morrison, Associate Justice; and Robie, Associate Justice.

**C056248      THE PEOPLE v. JANITA LYNETTE WATKINS**

Cause called. Roberta Simon, court appointed counsel, argued for appellant. Tia M. Coronado, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:26 a.m., the court recessed. At 10:26 a.m., the court reconvened.

**C054716      SANCHEZ v. ALIVIO MEDICAL GROUP INC., et al.**

Cause called. Robert A. Carichoff argued for appellant. Michael A. Bishop argued for respondent. Cause submitted.

At 10:43 a.m., the court recessed. At 10:17 a.m., the court reconvened with Raye, Associate Justice; Hull, Associate Justice; and Cantil-Sakauye, Associate Justice.

**C053897      OLFATI v. DEPARTMENT OF EQUALIZATION et al.**

Cause called. Gaspar R. Garcia II argued for appellant. Marcie Larson, Deputy Attorney General, argued for respondent. Cause submitted.

At 11:14 a.m., the court recessed. At 2:02 p.m., the court reconvened with Morrison, Associate Justice; Robie, Associate Justice; and Cantil-Sakauye, Associate Justice.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

2

**Court Minutes**

**November 24, 2008, continued**

**C056856      THE PEOPLE v. ROGELIO TORRES HERNANDEZ**

Cause called. Conrad Petermann, court appointed counsel, argued for appellant. Melissa J. Lipton, Deputy Attorney General, argued for respondent. Cause submitted.

At 2:18 p.m., the court recessed. At 2:22 p.m., the court reconvened with Scotland, Presiding Justice; Morrison, Associate Justice; and Robie, Associate Justice.

**C056578      SMEDBERG et al. v. TOSTE et al.**

Cause called. Charles G. Kinney argued for appellant. Douglas R. Roeca argued for respondent. Cause submitted.

At 2:46 p.m., the court recessed until Monday, December 15, 2008.

**C054887      THE PEOPLE v. PAHOUA LO      (Not For Publication)**

The order limiting the means of restitution is affirmed.

BUTZ, J.

We Concur:    Sims, Acting P.J.  
Robie, J.

**C054131      RENNA v. THE HENRY COMPANY      (Not For Publication)**

The judgment is affirmed. THC shall recover costs on appeal. ...

CANTIL-SAKAUYE, J.

We Concur:    Raye, Acting P.J.  
Robie, J.

**C055486      THE PEOPLE v.      (Certified For Partial Publication)  
MICHAEL ROBERT GENOVESE**

The judgment is affirmed.

SIMS, Acting P.J.

We Concur:    Raye, J.  
Hull, J.

**C056562      In re J.M.; SACRAMENTO COUNTY      (Not For Publication)  
COUNTY DEPARTMENT OF HEALTH  
AND HUMAN SERVICES v. R.J.**

The juvenile court's judgment and orders are affirmed.

RAYE, J.

We Concur:    Nicholson, Acting P.J.  
Robie, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

3

**Court Minutes**

**November 24, 2008, Continued**

**C055939      THE PEOPLE v. INTERNATIONAL FIDELITY INSURANCE COMPANY**  
**BY THE COURT:**

Appellant's petition for rehearing is denied.  
SCOTLAND, P.J.

**C058632      THE PEOPLE v. MARQUES ALLEN MASON**  
**BY THE COURT:**

Pursuant to the written request of the appellant, the appeal filed on April 14, 2008, is dismissed. It is further ordered that the remittitur issue forthwith. (See Cal. Rules of Court, rule 8.316.)  
SCOTLAND, P.J.

**November 25, 2008**

**C055057      THE PEOPLE v. KANWALJIT HUNDAL      (Certified For Partial Publication)**

**C055128      THE PEOPLE v. KANWALJIT HUNDAL;  
VAN VUREN**

The judgment against defendant is affirmed (C055057). The judgment against Attorney Van Vuren is reversed (striking the order imposing a \$50 sanction) (C055128). No costs are awarded. ...

BUTZ, J.

We Concur:    Sims, Acting P.J.  
Robie, J.

**C055090      THE PEOPLE v. JAMES JOHNSON      (Not For Publication)**

The judgment is reversed, and the matter is remanded to the Superior Court for a new trial.

SCOTLAND, P.J.

We Concur:    Blease, J.  
Hull, J.

**C055203      THE PEOPLE v.      (Not For Publication)**  
**BENJAMIN PHILLIP TAHOLO**

The judgment is modified to add a parole revocation fine pursuant to Penal Code section 1202.45 in the amount of \$10,000. As so modified, the judgment is affirmed.

HULL, J.

We Concur:    Raye, Acting P.J.  
Butz, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

4

**Court Minutes**

**November 25, 2008, Continued**

- C056983      THE PEOPLE v. JERRY WILSON      (Not For Publication)**  
The judgment is affirmed.  
SIMS, J.  
We Concur: Scotland, P.J.  
Cantil-Sakauye, J.
- C057102      THE PEOPLE v.      (Not For Publication)**  
**NICOLAS ALFREDO BANUELOS**  
The judgment is affirmed.  
BLEASE, Acting P.J.  
We Concur: Nicholson, J.  
Robie, J.
- C057472      THE PEOPLE v.      (Not For Publication)**  
**STEVEN ALLEN NICHOLS**  
The judgment is affirmed.  
BLEASE, J.  
We Concur: Scotland, P.J.  
Butz, J.
- C057663      THE PEOPLE v.      (Not For Publication)**  
**WILLIAM ARTHUR SHOFFNER**  
The judgment is affirmed.  
NICHOLSON, J.  
We Concur: Davis, Acting P.J.  
Robie, J.
- C057927      THE PEOPLE v. MARVIN COOPER      (Not For Publication)**  
The judgment is reversed and the matter is remanded to the trial court  
with directions to set aside defendant's pleas of no contest, reinstate the original  
charges, and conduct such further proceedings as may be appropriate.  
HULL, J.  
We Concur: Raye, Acting P.J.  
Cantil-Sakauye, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

5

**Court Minutes**

**November 25, 2008, Continued**

**C056200      WALLIS v. PHL ASSOCIATES, INC. et al. v.      (Certified For Publication)**

**PHL ASSOCIATES, INC. et al. v. WALLIS  
et al.; MENDOZA**

The order is affirmed. The cross-complainants (PHL, Wichmann, and Holmes) are awarded their costs on appeal. ...

Nicholson, J.

We Concur: Scotland, P.J.

Hull, J.

**C058547      MAO v. THE SUPERIOR COURT OF      (Not For Publication)  
SACRAMENTO COUNTY; MEDICAL  
BOARD OF CALIFORNIA**

Mao's petition for writ of mandate is granted in part. A writ of mandate shall issue directing the superior court to grant Mao's petition for writ of administrative mandamus limited solely to striking the automatic cancellation clause in condition 9 of the Board's decision of March 1, 2007. In all other respects, the petition for writ of mandate is denied.

The parties shall bear their own costs on this review by extraordinary writ proceedings.

NICHOLSON, J.

We Concur: Scotland, P.J.

Cantil-Sakauye, J.

**C057801      In re B.S.; SACRAMENTO COUNTY      (Not For Publication)  
DEPARTMENT OF HEALTH AND  
HUMAN SERVICES v. T.S.; B.S.**

The order of the juvenile court is affirmed.

SIMS, J.

We Concur: Scotland, P.J.

Davis, J.

**C057860      In re O.W. et al.; SACRAMENTO COUNTY      (Not For Publication)  
DEPARTMENT OF HEALTH AND HUMAN  
SERVICES v. J.B.**

The order terminating parental rights as to O.W. and A.W. is reversed conditionally, and the matter is remanded to the juvenile court with directions to order DHHS to provide the tribes with proper notice of the section 366.26 hearing under ICWA. ...

The order denying appellant's petitions for modification is affirmed.

MORRISON, J.

We Concur: Nicholson, Acting P.J.

Robie, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

6

**Court Minutes**

**November 25, 2008, Continued**

**C058009      In re J.M.; SACRAMENTO COUNTY      (Not For Publication)**  
**DEPARTMENT OF HEALTH AND HUMAN**  
**SERVICES v. G.M.**

The judgment of disposition is affirmed.

SIMS, Acting P.J.

We Concur:    Davis, J.

Hull, J.

**C059474      THE PEOPLE v. CLINTON ALFONSO MARSHALL**  
**BY THE COURT:**

Pursuant to the written request of the appellant, the appeal filed on July 15, 2008, is dismissed. It is further ordered that the remittitur issue forthwith.

(See Cal. Rules of Court, rule 8.316.)

SCOTLAND, P.J.

**November 26, 2008**

**C055626      THE PEOPLE v.      (Not For Publication)**  
**REGINALD ALLAN DODSON**

The no-contact order is stricken from the judgment. As modified, the judgment is affirmed. The trial court is directed to amend the abstract of judgment to reflect the modification, and to send a certified copy of the amended abstract to the Department of Corrections and Rehabilitation.

RAYE, J.

We Concur:    Nicholson, Acting P.J.

Butz, J.

**C055895      THE PEOPLE v.      (Not For Publication)**  
**BRENDAN SHANE SIRCA**

The judgment is affirmed.

NICHOLSON, J.

We Concur:    Davis, Acting P.J.

Robie, J.

**November 27, 2008**

**There are no minutes for this date**

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

7

**Court Minutes**

**November 28, 2008**

**There are no minutes for this date**